

Application No. 09/921,097
Amendment dated September 15, 2008
Reply to Office Action of March 13, 2008

REMARKS

Applicant amended claims 1, 2, 15, 16, 31, 34, 37, 42, 43, 44, 46, 48, 49, 54, 55, 59, 62, 63, and 66-69, and added new claims 71-94 to further define Applicant's claimed invention. No new matter has been added.

I. Statement of Interview Summary

The Examiner and her supervisor Dominic Saltarelli are thanked for the courtesy of the interview held on August 27, 2008. During the interview, independent claims 1, 16, 31, 43, 55, and 59 were discussed in view of U.S. Patent Nos. 6,483,986 to Krapf ("Krapf") and 5,929,849 to Kikinis ("Kikinis"). Agreement was reached in that an amendment to the language of the independent claims to recite interrupting transmission at the remote location of the video overcomes the outstanding prior art rejection.

II. Reply to Office Action

In the Office Action, the Examiner rejected claims 16-19, 27, and 28 under 35 U.S.C. § 102(e) as being anticipated by Krapf; rejected claims 1-6, 8, 10-15, 31-33, 35 and 37-42 under 35 U.S.C. § 103(a) as being unpatentable over Krapf in view of Kikinis; rejected claims 55, 56, and 59-63 under 35 U.S.C. § 103(a) as being unpatentable over Kikinis in view of Krapf; and rejected claims 43-45, 47, 49, 50-54, 64, and 65 under 35 U.S.C. § 103(a) as being unpatentable over Krapf and Kikinis in view of U.S. Publication No. 2002/0007493 to Butler ("Butler"). Applicant submits that in the Detailed Action, the Examiner did not reject dependent claims 66-70. Accordingly, the next action by the Examiner cannot be a final action.

Applicant amended independent claims 1, 31, and 43 to recite "interrupting, at the remote location, the delivery of the video at a point in time after the interacting with the interface link so as to prevent delivery of the video over the network." Applicant amended independent claim 16 to recite "interrupting, at the remote location, the delivery of the video over the network at a point in time after the interacting with the interface link so as to prevent delivery of the video over the network." Applicant amended independent claim 55 to recite "interrupting the delivery of the video at the remote site at a point in time after the interacting with the interface link so as to prevent delivery of the video over the network." Applicant amended independent claim 59 to

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recite "interrupting, at the first site, the delivery of the video in response to interacting with the link program so as to prevent delivery of the video over the network." Support for these amendments can be found in the specification at least on page 13, lines 1-14, page 14, lines 6-8, page 15, line 13 through page 16, line 8, and page 18, lines 6-15, and in FIGS. 4 and 5.

An example of interrupting, at the remote location, the delivery of the video is shown in FIG. 4, in step 400, wherein video servers 106, 206 receive a video request. In step 402, video servers 106, 206 stream requested video to the user's visual display. During video streaming, one or more interface links are delivered to the user's display and associated with the displayed video. (See Specification, page 13, lines 1-6). As a user is receiving a requested video stream, the user may be presented with one or more interface links. Once an interaction with the interface link has been detected, in step 408 the video stream is paused or interrupted. (See Specification, page 13, lines 7-14). Choosing to continue or return to the video stream will bring the user back to the point where the video streaming was interrupted. (See Specification, page 14, lines 6-8).

FIG. 5 shows an example of an interaction with a storyboard having e-commerce opportunities. The user first requests the primary content (e.g., movie). When such a request is made, the primary content is streamed from video server network 106, 206 to the user with a marker indicating the availability of interactivity (e.g., the "floating bug"). The primary content video stream is paused while the user request for information is sent to the URL for the hub page located on web server 108, 208. The hub page is then served to the user from web server 108, 208. At any point, the user may select an icon to revert to a previous page or the primary content. (See Specification, page 15, line 13 through page 16, line 8).

For example, the user can select the Interactive Content Programming (ICP) and receive an interactive experience by requesting the primary content (e.g., movie). When such a request is made, the primary content is streamed from the video server network to the client application with the "floating bug." Upon the user selecting the bug (e.g., by clicking on the "bug"), the primary content video stream is paused and the user request is sent to the URL for the hub page located on the central HTML server. The hub page is

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then served to the client application from that central HTML server. A user may explore the hub pages and sub pages including any ancillary video assets and at any point click to return to the primary content where they left. (See Specification, page 18, lines 6-15).

A. 35 U.S.C. § 102(e) Rejection

None of the methods recited in Applicant's independent claims 1, 16, 31, 43, 55, and 59 are disclosed or suggested by Krapf. Krapf teaches that "system 1 includes a personal video recorder 2 connected through a data line 18 to a display 4, a set top box 24 connected to a port of the personal video recorder 2, a broadcast head end 26 connected through a cable 28 to the personal video recorder 2, and a remote control 6." (Krapf, col. 3, lines 33-37).

In Krapf, as the user is watching first content 12 (i.e., streaming live TV), the "personal video recorder 2 receives streaming video data from the set top box 24 and passes it through to the display 4." (Krapf, col. 3, line 67 - col. 4, line 2). When the user selects alternative subject matter data 14 (i.e., an advertisement), the "personal video recorder 2 automatically begins recording, i.e., storing the program of the first content 12 on the personal video recorder 2." (Krapf, col. 4, lines 28-30). In Krapf, whether the user selects to watch the live video content (12) or the advertisement (14) on his visual display, delivery of the video content at the remote location over the network to the user's personal video recorder occurs continuously. In Krapf, there is no "interrupting, at the remote location, the delivery of the video over the network at a point in time after the interacting with the interface link so as to prevent delivery of the video over the network" as recited in claim 16 as now amended. Moreover, the "continuing the delivery of the video from the remote location over the network" and "continuing the display of the video on the visual display from the point in time when the delivery of the video was interrupted after interacting with the interface link" as recited in independent claim 16 are not taught by Krapf. Applicant submits that independent claim 16 as amended is novel over Krapf.

B. 35 U.S.C. § 103(a) Rejections

Similarly, at least for the same reasons as in claim 16, Krapf does not teach or suggest the "interrupting, at the remote location, the delivery of the video at a point in

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time after the interacting with the interface link so as to prevent delivery of the video over the network" as recited in independent claims 1, 31, and 43, or the "interrupting the delivery of the video at the remote site at a point in time after the interacting with the interface link so as to prevent delivery of the video over the network" as recited in independent claim 55.

In rejecting independent claims 1 and 31 over Krapf in view of Kikinis, the Examiner relies on Kikinis for the teaching that, when "a user selects (requests) an image which is linked by an URL, the user is directed to a web location (remote location) which provides information (ancillary content) related to the image." (Office Action, page 6, lines 12-15). Krapf does not disclose or suggest at least the "interrupting, at the remote location, the delivery of the video at a point in time after the interacting with the interface link so as to prevent delivery of the video over the network" as recited in independent claims 1 and 31. Applicant respectfully submits that even if Krapf were combined with Kikinis as proposed by the Examiner, the combination would not disclose or suggest all of the recitations of independent claims 1 and 31.

Kikinis states that "[o]nce a viewer activates the system of the invention, and connection is made to the BMW WEB server ... TV display is suspended, and the initial WEB page downloaded from the BMW server is displayed instead. Preferably, the TV display continues, and the WEB page downloaded is displayed in a window 71 over the TV display as shown in FIG. 2C." (Kikinis, col. 8, lines 1-8). Kikinis does not disclose or suggest interrupting, at the remote location, the delivery of the streaming TV program. Further, as admitted by the Examiner, Kikinis fails to disclose continuing the delivery of the video from the remote location over the network "from the point in time when the delivery of the video was interrupted after the accessing of the commerce site." (Office Action, page 15, lines 20-22).

For the Examiner's rejection of independent claims 55 and 59 over Kikinis in view of Krapf, Applicant submits that as set forth above, Krapf does not disclose or suggest at least the "interrupting the delivery of the video at the remote site at a point in time after the interacting with the interface link so as to prevent delivery of the video over the network" and "continuing the delivery of the video from the remote site over the network from the

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point in time when the delivery of the video was interrupted after the accessing of the commerce site" as recited in independent claim 55. Thus, Applicant respectfully submits that even if Kikinis were combined with Krapf as proposed by the Examiner, the proposed combination would not disclose or suggest all of the recitations of independent claim 55.

Independent claim 59 recites "creating a link program adapted to interrupt delivery of the video at the remote storage medium to prevent delivery of the video over a network to a second site," the link program linking the ancillary content and the video to "a point in time when the delivery of the video from the remote storage medium is interrupted." Claim 59 further recites "interrupting, at the first site, the delivery of the video in response to interacting with the link program so as to prevent delivery of the video over the network." Applicant respectfully submits that the Examiner's proposed combination of Kikinis and Krapf does not disclose or suggest at least these recitations of the method claimed in independent claim 59.

In rejecting independent claim 43 over Krapf and Kikinis in view of Butler, the Examiner relies on Butler for the teaching of "displaying content based on timing specifications for the advantage of indicating times for displaying content relative to the video stream." (Office Action, page 24, lines 1-3). Butler does not disclose or suggest at least the "interrupting, at the remote location the delivery of the video at a point in time after the interacting with the interface link so as to prevent delivery of the video over the network." Applicant respectfully submits that even if Krapf and Kikinis were combined with Butler as proposed by the Examiner, the combination would not disclose or suggest all of the recitations of independent claim 43.

Applicant submits that independent claims 1, 16, 31, 43, 55, and 59 are allowable over the cited references. The rejections of dependent claims 2-6, 8, 10-15, 17-19, 27, 28, 32, 33, 35, 37-42, 44, 45, 47, 49, 50-54, 56, and 60-65 are rendered moot at least because these claims depend from an allowable independent claim, or claims dependent therefrom. Applicant submits that the Examiner's rejections of these claims have been overcome.

The Examiner rejected dependent claims 20, 21, 23, 25, 26, 29, and 30 under 35 U.S.C. § 103(a) as being unpatentable over Krapf in view of Kikinis; rejected dependent

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claims 7 and 34 under 35 U.S.C. § 103(a) as being unpatentable over Krapf and Kikinis in view of U.S. Patent No. 6,154,738 to Call ("Call"); rejected dependent claim 22 under 35 U.S.C. § 103(a) as being unpatentable over Krapf in view of Call; rejected dependent claim 46 under 35 U.S.C. § 103(a) as being unpatentable over Krapf, Kikinis, and Butler in view of Call; rejected dependent claims 9 and 36 under 35 U.S.C. § 103(a) as being unpatentable over Krapf and Kikinis in view of U.S. Patent No. 6,184,878 to Alonso ("Alonso"); rejected dependent claim 24 under 35 U.S.C. § 103(a) as being unpatentable over Krapf in view of Alonso; and rejected dependent claim 48 under 35 U.S.C. § 103(a) as being unpatentable over Krapf, Kikinis, and Butler, and further in view of Alonso. Applicant submits that the rejections of dependent claims 7, 9, 20-26, 29, 30, 34, 36, 46, and 48 are rendered moot at least because these claims depend from an allowable independent claim, or claims dependent therefrom.

In view of the foregoing remarks, it is respectfully submitted that the claims, as amended, are patentable. Therefore, it is requested that the Examiner reconsider the outstanding rejections in view of the preceding comments. Issuance of a timely Notice of Allowance of the claims is earnestly solicited.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this reply, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 50-1068.

Respectfully submitted,

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